IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA AIKEN DIVISION

Lurie Taylor,) Civil Action No.: 1:11-1834-MGL
Plaintiff,)
V.	OPINION AND ORDER
Michael J. Astrue, Commissioner of Social Security,))
Defendant.	'

Through this action, Lurie ("Plaintiff") seeks judicial review of the final decision of the Commissioner of Social Security ("Commissioner") determining that Plaintiff is no longer disabled.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D. S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling. On October 30, 2012, the Magistrate Judge issued a Report and Recommendation in which she determined that the Commissioner's decision was not supported by substantial evidence. Accordingly, the Magistrate Judge recommended that the case be remanded pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings. Plaintiff filed no objections to the to the Report and Recommendation. On November 7, 2012, the Commissioner filed a Notice of Not Filing Objections to the Report and Recommendation of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court

is charged with making a *de novo* determination of those portions of the Report to which

specific objection is made, and the court may accept, reject, or modify, in whole or in part,

the recommendation of the Magistrate Judge, or recommit the matter to her with

instructions. 28 U.S.C. § 636(b)(1) In the absence of a timely filed objection, a district court

need not conduct a *de novo* review, but instead must "only satisfy itself that there is no

clear error on the face of the record in order to accept the recommendation." *Diamond v.*

Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir.2005).

The court has carefully reviewed the record and concurs in the recommendation of

the Magistrate Judge. The court adopts the Report and Recommendation and incorporates

it herein by reference. For the reasons set forth herein and in the Report and

Recommendation, the decision of the Commissioner to deny benefits is reversed and the

action is **remanded** under sentence four of 42 U.S.C. § 405(g) for further administrative

action.

IT IS SO ORDERED.

/s/ Mary G. Lewis
United States District Judge

November 7, 2012

Spartanburg, South Carolina